

TITLE I: GENERAL PROVISIONS

Chapter

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CHAPTER 10: GENERAL PROVISIONS

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ANOTHER. When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

CITY, MUNICIPALITY, or MUNICIPAL CORPORATION. The City of LaSalle, irrespective of its population or legal classification.

COUNCIL or CITY COUNCIL. The Council of the City of LaSalle.

COUNTY. LaSalle County, Illinois.

COUNTY BOARD. The County Board of LaSalle County, Illinois.
(ILCS Ch. 5, Act 70, § 1.07)

COURT. Construed to mean any court of competent jurisdiction.

DECREE. Synonymous with **JUDGMENT**.
(ILCS Ch. 5, Act 70, § 1.24)

ELECTORS. Persons qualified to vote for elective officers at municipal elections.
(ILCS Ch. 65, Act 5, § 1-1-2)

EMPLOYEES. Whenever reference is made in this code to a City employee by title only, this shall be construed as though followed by the words of the City of La Salle.
(1963 Code, § 1-3-1)

EXECUTIVE OFFICER. Words used for an executive or ministerial officer may include any deputy or other person performing the duties of such officer, either generally or in special cases.
(ILCS Ch. 5, Act 70, § 1.08)

§ 10.01 TITLE OF CODE.

This codification by and for the City of LaSalle shall be designated as the Code of LaSalle and may be so cited.

§ 10.02 DEFINITIONS.

For the purpose of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT. A person acting on behalf of another
(1963 Code, § 1-3-1)

FEE. A sum of money charged by the city for the carrying on of a business, profession or occupation.

(1963 Code, § 1-3-1)

HERETOFORE or **HEREAFTER.** **HERETOFORE** means any time previous to the day on which the ordinance, resolution, or statute takes effect; **HEREAFTER** means at any time after that date.

(ILCS Ch. 5, Act 70, § 1.17)

HIGHWAY, ROAD, or STREET. May include any road laid out by authority of the United States, or of this state, or of any town or county of this state, and all bridges thereupon.

(ILCS Ch. 5, Act 70, § 1.16)

ILCS. Illinois Compiled Statutes, 1992, as heretofore and hereafter amended.

KEEPER or **PROPRIETOR.** Includes all persons, whether acting by themselves, or as a servant, agent, or employee.

KNOWINGLY. Imports only a knowledge that the facts exist which brings the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

(1963 Code, § 1-3-1)

LAND or **REAL ESTATE.** Includes rights and easements of an incorporeal nature.

LICENSE. The permission granted for the carrying on of a business, profession or occupation.

(1963 Code, § 1-3-1)

MAY. The act referred to is permissive.

MAYOR. The Mayor of the City of LaSalle.

MISDEMEANOR. Any offense deemed a violation of the provisions of this code which is a lesser offense than a felony as defined by state law.

(1963 Code, § 1-3-1)

MONTH. A calendar month.

(ILCS Ch. 5, Act 70, § 1.10)

MUNICIPAL CODE. The Illinois Municipal Code, ILCS Ch. 65, Act 5.

NEGLIGENT. (As well as **NEGLECT**, **NEGLIGENCE**, and **NEGLIGENTLY**) imports a want of such attention to the nature or probable consequences of the act or omission as a prudent person ordinarily bestows in acting in his or her own concern.

(1963 Code, § 1-3-1)

NUISANCE. Anything offensive or obnoxious to the health and welfare of the inhabitants of the city; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of, another person or to the community.

(1963 Code, § 1-3-1)

OATH. Includes affirmation, and **SWEAR** includes affirm.

(ILCS Ch. 5, Act 70, § 1.12)

OCCUPANT. Applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

(1963 Code, § 1-3-1)

OFFENSE. Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

(1963 Code, § 1-3-1)

OFFICERS. Whenever reference is made in this code to a city officer by title only, this shall be construed as though followed by the words "of the City of LaSalle."

(1963 Code, § 1-3-1)

OWNER. When applied to property, includes any part owner, joint owner, purchaser and seller under a contract and/or deed, or tenant in common of the whole or part of the property, and includes any beneficiary of a land trust which owns property.

PERSON. Any legal person; includes associations, partnerships, corporations, joint ventures, and bodies politic and corporate as well as individuals.

(ILCS Ch. 5, Act 70, § 1.05)

PERSONAL PROPERTY. Includes all property except real.

POLICE OFFICERS. Police officers employed and in the service of the City of LaSalle. **POLICE FORCE** shall be construed to include such persons in the employ of a city as members of the Department of Police, who are or shall hereafter be appointed and sworn as police officers.

(ILCS Ch. 5, Act 70, § 1.20)

PREMISES. As applied to property, includes land and buildings.

PROPERTY. Includes real, personal, mixed estates, and other interests.

PUBLIC AUTHORITY. Includes school districts; units of legal government; the village, city, county, state, or federal governments, officers and agencies thereof, or any commissions or committees thereof; or any duly authorized public official.

PUBLIC PLACE. Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

REAL PROPERTY. Includes lands, tenements, and hereditaments.

REGISTERED MAIL. Includes certified mail and **CERTIFIED MAIL** includes registered mail.

RETAILER. Shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

(1963 Code, § 1-3-1)

SHALL. The act referred to is mandatory.

SIDEWALK. That portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

(ILCS Ch. 625, Act 5, § 1-188)

SPECIAL DISTRICTS. The meaning ascribed in Article VII of the constitution of the state of Illinois of 1970.

(ILCS Ch. 5, Act 70, § 1.29)

STATE. The state of Illinois.

STREET. Where the context admits, includes alleys, lanes, courts, boulevards, squares, and other public thoroughfares.

TENANT or **OCCUPANT.** As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of the premises, alone or with others.

THIS CODE or **THIS CODE OF ORDINANCES.** The city code hereby adopted, and as hereinafter modified by amendment, revision, and by the adoption of new titles, chapters, or sections.

UNITS OF LOCAL GOVERNMENT. The meaning established in Section 1 of Article VII of the constitution of the state of Illinois of 1970.

(ILCS Ch. 5, Act 70, § 1.28)

WEEK. Seven consecutive days.

WHOEVER. Includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.

WHOLESALE and **WHOLESALE DEALER.** Shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

(1963 Code, § 1-3-1)

WILFULLY. When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

(1963 Code, § 1-3-1)

WRITTEN or **IN WRITING.** Includes printing, electronic, and any other mode of representing words and letters; but when the written signature of any person is required by law on any official or public writing or bond, required by law, it shall be (1) the proper handwriting of that person, or in case he or she is unable to write, his or her proper mark, or (2) an electronic signature as defined in the Electronic Commerce Security Act, ILCS Ch. 5, Act 175, §§ 1-101 *et seq.*, except as otherwise provided by law. (ILCS Ch. 5, Act 70, § 1.15)

YEAR. A calendar year unless otherwise expressed; and the word **YEAR** alone is equivalent to the expression “Year of Our Lord.” (ILCS Ch. 5, Act 70, § 1.10)

§ 10.03 SECTION HEADINGS.

Headings and captions used in this code are employed for reference purposes only, and shall not be deemed a part of the text of any section.

§ 10.04 RULES OF CONSTRUCTION.

(A) Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative or judicial definition or otherwise, shall be construed accordingly.

(B) As used in this code, unless the context otherwise requires, the following rules will be followed.

(1) The singular shall include the plural, and the plural shall include the singular. (ILCS Ch. 5, Act 70, § 1.03)

(2) Words of 1 gender shall include the other genders. (ILCS Ch. 5, Act 70, § 1.04)

(3) Words in the present tense shall include the future. (ILCS Ch. 5, Act 70, § 1.02)

(4) **AND** may be read **OR**, and **OR** may be read **AND**, if the context admits.

(C) The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding Saturday, Sunday, or a holiday is also a holiday or a Saturday or Sunday, then the succeeding day shall also be excluded. (ILCS Ch. 5, Act 70, § 1.11)

(D) When the law requires an act to be done which may by law as well be done by an agent as by the principal, the requirement shall be construed to include all such acts when done by an authorized agent.

(E) Words purporting to give joint authority to 3 or more municipal officers or other persons shall be construed as giving authority to a majority of the officers or persons. (ILCS Ch. 5, Act 70, § 1.09)

(F) These rules of construction shall not apply to any provision of this code which shall contain any express provision excluding that construction, or when the subject matter or context of this code may be repugnant thereto.

(G) All general provisions, terms, phrases, and expressions shall be liberally construed in order that the true intent and meaning of the Mayor and City Council may be fully carried out.

(ILCS Ch. 5, Act 70, § 1.01)

(H) The provisions of any ordinance, in so far as they are the same as those of any prior ordinance, shall be construed as a continuation of the prior provisions, and not as a new enactment.

(ILCS Ch. 5, Act 70, § 2)

(I) In the determination of the provisions of each section of this code the following rules shall be observed:

(1) *Intent to defraud.* Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

(2) *Liability of employers and agents.* When the provisions of any section of this City Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.

(1963 Code, § 1-1-5)

§ 10.05 OFFICIAL TIME.

(A) *Official time designated.* Central Standard Time shall be the official time within the city for the transaction of all city business, except that from 2:00 a.m. on the last Sunday in April in each year, official time for the city shall be advanced 1 hour. At 2:00 a.m. on the last Sunday in October in each year such official time, by retarding of 1 hour, shall be returned to Central Standard Time.

(1963 Code, § 1-19-1) (Ord. 553, passed 6-6-1955)

(B) *Transaction of business.* All legal or official proceedings of the Council and all official business of the city shall be regulated as to time in accordance

with the provisions of this section. Whenever by ordinance, resolution or action of any municipal officer or body an act must be performed at or within a prescribed time, it shall be performed according to the official time as herein prescribed. When the words “Daylight Saving,” or “Daylight Saving Time” or “Summer Time” are used in any official document or contract, it shall be understood to have reference to the time herein fixed for the period from the last Sunday in April to the last Sunday in October.

(1963 Code, § 1-19-2)

(C) *Setting of city clocks.* All clocks or other time pieces in or upon public buildings or other premises maintained at the expense of the city shall be set and run according to the official time as provided for in this section. It is hereby made the duty of the officer or other person having control and charge of such buildings and premises to see that the clocks and other timepieces are set and run in accordance with the official time.

(1963 Code, § 1-19-3) (Ord. 433, passed 3-18-1946)

§ 10.06 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(A) The repeal of a repealing ordinance does not revive the ordinance originally repealed, nor impair the effect of any saving clause therein.

(B) The reenactment, amendment, or repeal of an ordinance does not do any of the following, except as provided in division (C) of this section.

(1) Affect the prior operation of the ordinance or any prior action taken thereunder.

(2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder.

(3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal.

(4) Affect any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment. The investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the ordinance had not been repealed or amended.

(C) If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.

§ 10.07 REFERENCE TO OTHER SECTIONS.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

(B) References in this code to action taken or authorized under designated sections of this code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in 1 section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision and the context clearly indicates that the reference to the section as amended or revised was not intended.

§ 10.08 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of these codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting

provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

§ 10.09 AMENDMENTS TO CODE.

All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein, or in the case of repealed chapters, sections, and subsections, or any part thereof, by subsequent ordinances, the repealed portions may be excluded from the code by the omission from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of subsequent ordinances until this code of ordinances and subsequent ordinances numbered or omitted are re-adopted as a new code of ordinances by the City Council.

§ 10.10 SEVERABILITY.

If any provisions of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

§ 10.11 REFERENCE TO PUBLIC OFFICE OR OFFICER.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary. Such references shall also include the designee or agent of any such officer or office, unless the law or the context clearly requires otherwise.

§ 10.12 ERRORS AND OMISSIONS.

If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the specific subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances, but prior ordinances not specifically embraced and covered herein are not affected by this compilation.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature (including, but not limited to tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming, or vacating streets, alleys, or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the city; and all special ordinances) as well as any other ordinances pertaining

to subjects not enumerated and embraced in this code of ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 ORDINANCES SAVED.

(A) Whenever an ordinance by its nature either authorizes or enables the City Council or a certain city officer or employee to make additional regulations for the purpose of carrying out the intent of the ordinance, all regulations of a similar nature serving that purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

(B) No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of § 10.13 or § 10.14 of this chapter, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect of such provisions only.

(1963 Code, § 1-2-2)

§ 10.16 TECHNICAL CODES.

Whenever any technical codes are incorporated herein by reference, any subsequent amendments or revisions to such technical codes shall automatically become a part of this code and shall be made available for public inspection by the city. Further, to the extent of any conflict between the technical provisions of this code and any technical codes adopted by reference, the most restrictive provision shall prevail.

§ 10.17 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent 3 amending

ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. Ord. 25, passed 1-1-1985)

(B) An “ILCS” cite included in the history indicates that the text of the section reads either verbatim or substantially the same as the statute. Example: (ILCS Ch. 65, Act 5, § 3.1-2-1) (Ord. 10, passed 1-17-1980; Am. Ord. 20, passed 1-1-1985). An “ILCS” cite set forth as a “statutory reference” following the text of the section indicates that the reader should refer to that statute for further information. Example:

§ 38.04 PUBLIC RECORDS AVAILABLE.

The city shall make available to any person for inspection or copying all public records, as provided in the Illinois Freedom of Information Act.

Statutory reference:

Freedom of Information Act, see ILCS Ch. 5, Act 140, §§ 1 et seq.

(C) If a section of this code is derived from the previous code of ordinances of the city published in 1963 and subsequently amended, the 1963 code section number shall be indicated in the history by “(1963 Code, § ____).”

§ 10.18 LICENSE REVOCATION FOR CODE VIOLATIONS.

When a person is convicted of a violation of any section of this city code any license previously issued to him by the city may be revoked by the court or by the governing body.
(1963 Code, § 1-4-3)

§ 10.19 LIABILITY OF OFFICERS.

No provision of this city code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty,

unless the intention of the governing body to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(1963 Code, § 1-4-5)

§ 10.99 GENERAL PENALTY.

(A) Whoever violates any provision of this code or other ordinance of this city for which another penalty is not specifically provided, shall be fined not more than \$750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

(B) The penalty provided in this chapter shall be applicable to every section of this city code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this city code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this city code.

(C) In all cases where the same offense is made punishable or is created by different clauses or sections of this city code the prosecuting officer may elect under which to proceed; but not more than 1 recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(D) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this city code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply and

a separate offense shall be deemed committed upon each day during or on which a breach of violation occurs or continues.

(1963 Code, § 1-4-4)

Statutory reference:

Authority to imprison for certain ordinance violations, see ILCS Ch. 65, Act 5, § 1-2-1.1
Limitations on penalties, see ILCS Ch. 65, Act 5, § 1-2-1

CHAPTER 11: CITY STANDARDS

Section

- 11.01 Ward boundaries
- 11.02 Corporate seal

§ 11.01 WARD BOUNDARIES.

The City of LaSalle shall be and the some is hereby divided into 4 wards with boundaries as follows:

(A) *First ward.* That portion of the city lying south of the center line of Eleventh Street and west of the center line of Marquette Street extended southerly to the south city limits.

(B) *Second ward.* That part of the city lying south of the center line of Eleventh Street extended east to the east city limits and east of the center line of Marquette Street extended south to the south city limits.

(C) *Third ward.* That part of the city lying north of the center line of Eleventh Street and west of the center line of St. Vincent's Avenue extended north to the north city limits.

(D) *Fourth ward.* That portion of the city lying north of the center line of Eleventh Street extended east to the east city limits and west of the center line of St. Vincent's Avenue extended north to the north city limits.
(1963 Code, § 1-5-1) (Ord. 800, passed 1-18-1971)

§ 11.02 CORPORATE SEAL.

(A) *Description of seal.* A seal in a circular form, with the words "City of La Salle," and in the interior or center of said circle the representation of a man leaning upon a staff, intended to represent Father LaSalle, shall be the seal of the city, to be used in all cases that have been or shall hereafter be provided by the laws of the United States, the laws of several respective states of the United States, and the provisions of this code, and in all cases in which by the laws and customs of nations, it is necessary to use a seal by a corporation.
(1963 Code, § 1-20-1)

(B) *Custody of the seal.* The seal shall remain in the custody and control of the Clerk, to be by him or her used as required by the provisions of this code; provided however, that in all cases where by the provisions of this code or any other law of the city, it shall be necessary for the Mayor to use the seal, the same shall be delivered by the Clerk to the Mayor temporarily, to be used by him or her, and after its use it shall be again returned to the custody of the Clerk.
(1963 Code, § 1-20-2)

